

October 30, 2006

EPA Region 5 Records Ctr.



313776

Mr. Jerry C. Winslow
Principal Environmental Engineer
Xcel Energy
414 Nicollet Mall (Ren. Sq. 8)
Minneapolis, Minnesota 55401

SR-6J

RE: Additional Response to RI/FS Schedule Modification Request
Ashland/NSP Lakefront Superfund Site

Dear Mr. Winslow:

The United States Environmental Protection Agency (EPA) has reviewed the letter responding to EPA's recommended Feasibility Study (FS) schedule submitted by Northern States Power (d.b.a. Xcel Energy) on October 25, 2006 for the Ashland/Northern States Power Lakefront Superfund Site. Our comments are provided below:

1. Need for time to respond to and resolve technical comments.

- Xcel does not believe the list of contaminants, submitted by EPA on October 18, 2006, to help determine the nature and extent of contamination in the RI report is consistent with the SOW, Task 4. EPA and Xcel may have a difference of opinion on this issue. EPA agrees that we approved the submittal of the information in data summary tables in order to minimize the volume of the RI document. However, EPA did not approve that the data in the summary tables would be using the average and the 95 percent Upper Certainty Limit (UCL) to determine the nature and extent of contamination at the site. If utilizing the average and 95 percent UCL to determine the extent of contamination was the process you were planning to use, then you needed to ask EPA if we approved of that process. You never asked if you could use average and 95 percent UCL, it was just assumed that since EPA approved the summary tables then we also approved using average and 95 percent UCL for determining the nature and extent of contamination. That is not the case. As stated in EPA's RI comments, all analytical results should be compared to the regulatory standards and the samples exceeding regulatory standards should be utilized to determine extent of contamination.
- Based on the recent correspondence regarding bioassay results, EPA agrees that we will need further discussion on this issue.

2. Need for "treatability studies".

EPA stands by its original decision that treatability studies are not necessary. However, if you feel that these tests (studies) are important for a design of a remedy that might be implemented at this site; you are more than welcome to conduct these tests now so that you will have the information at the design phase.

According to your response, the Alternatives Screening Technical Memorandum cannot be submitted on October 27, 2006, as requested by EPA. EPA understands that you have been busy responding to EPA's comments on the Remedial Investigation (RI), Human Health Risk Assessment (HHRA), Baseline Ecological Risk Assessment (BERA), and Sediment Stability Assessment. Therefore, if you need more time to complete the Alternatives Screening Technical Memorandum, EPA is more than willing to give you a couple more weeks to complete this task.

Based on your response, EPA is very concerned that the schedule could easily be extended. For example, it is stated that the Remedial Action Objectives (RAO) Technical Memorandum will not be revised until the technical issues are resolved in the RI, HHRA, and BERA. What if the technical issues are not resolved in a timely manner? This could push the schedule out for months. And that is not acceptable. The reason EPA recommended its schedule is to make sure the project keeps moving forward because we all know trying to get an agreement on technical issues could easily take longer than a couple weeks.

EPA's submittal date for the Alternatives Screening Technical Memorandum was based on the SOW, Task 5(A)2, which states that the Respondent shall submit the document thirty calendar days after receipt of EPA's comments to the RAO Technical Memorandum. EPA submitted (4) comments on the RAO Technical Memorandum. The SOW doesn't say significant or numerous comments, it just says comments. In addition, EPA believes that all of EPA's comments to the RI, HHRA, and BERA are also comments to the RAO Technical Memorandum since all of the information in the RI documents is utilized in determining the RAOs for the entire site.

The recommended RI/FS schedule proposed by EPA:

- 1) Submission of responses to RI reports by October 27, 2006.
- 2) Submission of Alternatives Screening Technical Memorandum 30 calendar days after receipt of EPA's comments to RAO Technical Memorandum. Since the Respondent has been busy working on response comments to the RI. For the purposes of this recommendation, the Alternatives Screening Technical Memorandum will be due on November 16, 2006.
- 3) Submission of Comparative Analysis of Alternatives Memorandum 30 days after receipt of EPA's comments to Alternatives Screening Technical Memorandum. The deliverable will be due by January 15, 2006.
- 4) Submission of Draft FS report 45 days after receipt of EPA's comments to Comparative Analysis of Alternatives Memorandum. The deliverable will be due by March 30, 2007.
- 5) The SITE demo information should be available by the time we finalize the FS documents.

NSPW should make every effort to maintain this schedule but EPA understands that events beyond your control may result in requests for further modifications to the schedule.

If you have any questions or would like to discuss things further, please contact me at (312) 886-1999.

Sincerely,

Scott K. Hansen
Remedial Project Manager

cc: Dave Trainor, Newfields
Jamie Dunn, WDNR
Omprakash Patel, Weston Solutions, Inc.
Henry Nehls-Lowe, DHFS
Ervin Soulier, Bad River Band of the Lake Superior Chippewa
Melonee Montano, Red Cliffe Band of the Lake Superior Chippewa